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## PROBLEMS OF ORGANIZED LABOR—

### DISCUSSION

SAMUEL B. DONNELLY : I shall endeavor to give you briefly the conclusions I have arrived at from my experience with the "open shop" as an officer of a local trades union and an officer of an international trades union for a number of years. The first is this, that the "open shop" as commonly understood and commonly pictured by the press and the employers of the country does not exist; that if such conditions could be established and if such relations existed, labor unions would be unnecessary and men would not organize. Ninety per cent of the establishments recently classed by their owners as "open shops" were classed by the officers of the unions in the particular towns as strict union shops or closed shops.

The principal argument that is advanced in favor of the "open shop" is that the union has no right to dictate to the employer as to whom he shall employ, that the union has no right to compel a non-union man to join the union against his will. Let us consider, first, whence the great body of non-union men in the country are recruited. Fifty per cent of them are non-union men because of accident or circumstance, men who have no particular antagonism to the union, but who as a result of apprenticeship in country towns in non-union offices have never come into contact with trade unions and have never realized their benefits and are uninterested in the union problem. Twenty-five per cent consist of professional strike breakers and the semi-criminal class of workmen. The great number of those who are classed as "strike breakers" by the labor organizations

are men employed one year as detectives and the next as book canvassers, men who are in various precarious employments and who come to the front every time a strike occurs for the immediate benefit and for the premiums that are paid for men to fill shops. The class which I would designate as "semi-criminal" is composed of those who have been expelled from trade unions for embezzlement, the larger number coming from unions which maintain great benefit systems and which every year suspend a certain number of men for endeavoring to defraud the benefit funds of the organization. The other twenty-five per cent consist of incompetents, men who have been unfortunate through sickness and have fallen into arrears and disappeared.

It is unnecessary to call to the attention of the first class the benefits of unionism in order to induce them to organize. The twenty-five per cent who are the professional strike breakers and those who cannot comply with the reasonable and honorable regulations of the organization are most objectionable, and the cause of all the friction and all the difficulty. The remainder is made up of relatives of the employers and of friends of the bosses and of the superintendents, all passive to unions. The man who is pictured as defending his rights as an American citizen and as being aggressive and positive in any way is very hard to find, because a man who is competent to defend non-unionism is too intelligent a man to be a non-unionist.

I cannot imagine with what unions the employers and the press of the country who picture the bad features of organization so strongly have come in contact. The older organizations, I emphatically state, do not restrict the output; they have not opposed the introduction of machinery; they do not specify the men who shall be

employed in shops ; they do not in any respect assume to control or in any way to interfere with the rights of the employer except on the point of wages and hours of labor.

The statement is made and generally believed except by those who have closely investigated the situation that the ranks of the unionists are filled with incompetents, and that a minimum wage scale is fixed for these incompetents. Investigation, however, will prove to any one that the greater number of incompetents in any trade are in the ranks of the non-unionists.

The question of "union shop" involves simply the question of what is union control. If, as is generally represented, the unions specify—and the unions generally do specify the amount of work each member and each mechanic shall perform—if they specify who shall be employed, who shall be discharged, what profits shall be made, then unions are not properly conducted ; but such conditions do not exist except perhaps in isolated cases and where men are employed in special trades or new industries.

It is true that the men have made exorbitant demands, and such demands are treasured up by the employers and used against the unions. Five years ago the electrotypers' organization in New York came out in a sympathetic strike with the printers. During that strike a magazine publisher succeeded with non-union labor in producing fifty plates. When the question of settlement was discussed, the electrotypers' organization demanded that those plates be destroyed and new plates made by union men. After a consultation with the other unions the demand was withdrawn, but to this day we hear that demand every time we go into conference. These men must be excepted. The trade union-

ist cannot comprehend how men of intelligence and of experience are continually misrepresenting the attitude and the demands of trade unions, representing the union shop as something that should not be tolerated, as a shop with a dynastic government in which the union absolutely dictates and a man has no control over his own property and is denied his personal liberty.

The attempt of a particular union to organize a non-union shop of course involves very serious problems. It involves the right of the union to send men into the shop to work as non-union men, to talk with the men on every occasion, and gradually to form the nucleus of an organization. The conduct of the unions in these cases has been severely criticised, but in no instance has it been shown that any criminal act has been performed. I assert positively, moreover, that in all instances where, in the settlement of disputes, non-union men have been admitted into the organization in great numbers it has been without their being told by the employer that they must join. My experience is that the instant it becomes known that an employer is thinking of unionizing his shop or his office, the officers of the unions are besieged with applications from all these men, and never do they stand out except in the case of the semi-criminal class. Why men should maintain that shops are open when they know they are either union or non-union is hard to understand. It may be for the reason as given in New York city some time ago, that the employers like to give excuses in order to "save their face."

I want to say conclusively that the union man does not intimidate, does not tyrannize, does not specify the number of men to be employed, does not limit the output, does not oppose the introduction of labor-saving machinery, but simply enforces and carries out the le-

gitimate objects of organization. When it is so generally admitted that a trade union is a good thing, I can not conceive how any man will engage in a crusade against trade unionism.

When the union man is in difficulty, he goes out on strike, invariably thus placing all he has in the world in the balance. If the strike is lost he knows perhaps it means the loss of home and savings, the breaking up of the family, and the seeking of employment in a strange and distant place. When the non-union man is affected, in ninety-nine cases out of a hundred when it becomes with him a question of joining the union or of surrendering his position, instead of sacrificing for his employer he seeks the officers of the union and makes known to the union his wish to join. That is the rule. Now can there be with him any great question or principle involved? Has he not been educated in the same school as has the union man? Is he not the same type of American citizen as is the union man? Will he jeopardize his personal interests as the union man will for the sake of his personal liberty or what he considers his rights? No. That should conclusively prove that this non-union man who fights for the open shop is a myth, a man of straw only, fighting on certain occasions for the purpose of influencing public sentiment, if possible, against the organization of labor.

ERNEST F. DU BRUL: There is a provision in the building trade agreements in Chicago which covers that point, and that is that the non-union man shall be paid the same rate of wages as the union man. The unions there agree to work with non-union men.

The employers to-day are not opposed to the union because it is a union; they oppose the results of mismanagement. As Mr. Marburg says, we must consider

the question of individual liberty. I will read you one union's rules as to individual liberty: "Members shall not seek employment from shop to shop if the business agent has no job. If a member desires to go to a certain shop where he thinks he can get employment, he must first notify the business agent, who will advise him what wages to demand. If the business agent requests a member not to seek employment in a shop that he desires, he must comply with the request" or be subject to fine. All unions do not have those rules, but such are the things we are fighting. Such rules make the business agent a veritable autocrat, and abolish personal liberty. These are things we must recognize. We can and will take care of the non-union man, because he must be cared for.

It is not the aggregations of capital into corporations or trusts but the organization of employers into employers' unions that will solve the labor question. Such organizations may result in joint agreements which will be unbroken only when the employers' associations are strong enough to punish every violation by the union. There is little organization of employers today, and I believe that this is why most troubles arise. I do not believe that any trade agreement will ever amount to anything under any other conditions. Such is our experience in the machinery trade. We had an agreement with the machinists' union which we claim they broke, but which they claim we broke. [A voice, "Probably both right."] The reason it was broken was because the machinists could not or would not deliver the goods; they could not or would not remove restrictions on production and management which their officers agreed should be removed only as a consideration for shortening the working day. If the time comes

when the employers and the employees are both organized, there will be no fight, but there will be an armed truce.

JOHN E. GEORGE: Collective bargaining requires for its successful operation an effective organization of employers on the one hand and of employees on the other. The question before us in the present discussion is, Are employees justified, however, in their endeavor to control by their unions the labor engaged in the various industries? Mr. White's thesis is that while the coercing of non-union men into becoming union men may seem arbitrary from the employer's point of view and from the non-union man's point of view may seem an abridgment of personal liberty, such a course can be justified on the ground that unanimity of action and a spirit of solidarity must be secured among the workmen if they are to advance their interests. Moreover, since the best interests of all are promoted through organization, it is held by union men that to permit union and non-union men to be engaged in the same shop works against the best interest and highest efficiency of the union. Such means must be used, therefore, as may be proper to bring about the conversion of non-union men. Such, I believe, is the view held not only by Mr. White but by trade unionists in general at the present time. Moreover the organization of employers and the consolidation of capital make it necessary that trade unionists employ the same methods for their own protection by supporting one another and arranging a collective bargain with their employers. In endorsing the general proposition that in our present industrial régime it is necessary for workmen to develop strong organizations in order to be able to make an equitable contract for the sale of their labor,



I do not want to be understood as endorsing means that are sometimes used to attain those ends. The line of demarkation between the proper means and those which should be condemned has, in general, been well made by the courts, and need not be described here.

It may possibly add to the clearness of the discussion and to a better understanding of the problem, however, to point out some of the difficulties attending the organization of labor which are sometimes overlooked. In the first place the property which the trade union seeks to control in effecting an organization of labor is quite different from that which the employer seeks to control in effecting a consolidation of industry. Any attempt to organize and consolidate labor in order to control its sale means an attempt to secure concerted action among all the possessors of labor, all of whom are free human agents with different ideals and varying standards of living. An attempt to consolidate the capitalistic means of production, on the other hand, seeks to control property which is entirely separate from the owners of it and which can be freely bought and sold in the open market. This distinction should be kept in mind as explaining, in a way, why there must apparently be greater interference with personal liberty in the trade union program.

The fact of different standards of living among men working in the same trade is an obstacle which opposes a complete organization of labor. The trade unionists are rightly regarded as the middle class. Above them are the experts, in no particular need of organization. Below them is a numerous class whose standard of living is lower, but who are constantly coming into competition with the skilled trade unionists as machinery makes

possible the employment of less skilled labor. This lower class of laborers is being continuously recruited from the ranks of immigrants. So long as the difference in standards of living is great, so long will the relations between union and non-union men be acute. These immigrants, content with a lower standard of life, underbid their predecessors in the field.

In prosperous times, when there is demand for all the labor that can be had, any gain made by the trade unions are shared by the non-unionists, who for the time being often become members of the union, because union men refuse to work with men who are not members and do not receive union wages, and rather than have a strike the employer is induced to pay the union scale of wages to all. When, however, a falling market appears, with a reduction in wages and a decrease in the number of laborers, this lower class accepts the reduction first, and secures the employment. I was informed recently by one of the largest shoe manufacturers in Chicago that at present, while the factory is running to its fullest capacity, practically all the employees are members of the union and are receiving full union wages, although in ordinary times not more than forty per cent of them are trade unionists. Rather than have a strike through the union employees' refusing to work with the non-union men, it is to the interest both of the latter class and of the employers that the non-union men should become members of the union. The manufacturer stated further that if changed industrial conditions should make it necessary to cut down expenditures, the aggressive trade unionists would be discharged, while sixty per cent of the employees would abandon union standards and accept such employment and rates of wages as would be offered.

Such are some of the problems of union and non-union labor. It would probably be a distinct gain for the members of a trade if when times of depression came they could hold together the larger organization effected during prosperous times, face the economic situation, and accept such reduction in rate of wages as might be actually necessary, and then be in a position to secure more quickly any advance in wages to which they might be entitled when improved conditions returned.

Trade unions are coming more and more to be recognized by employers as a permanent part of the industrial order. In many trades in Great Britain the employers prefer to make terms with the trade unions which shall apply to non-union workmen as well, rather than to make terms with each of the classes separately. It is coming to be recognized as good policy to deal with some form of organization, and more and more to make that organization responsible, so far as may be, for meeting the obligations that have been assumed by it for the workers in the trade it represents. Although there will always be more or less friction between trade unionists and non-unionists, a friction which will be increased in our country through the immigration of workmen of lower standards of living, the problem will tend to become less difficult as employers treat more and more with the labor organization as the agent for the labor it would control. With the increase in power which trade unions thus attain they must more and more be held responsible for their part in the joint agreements with the employers, and sooner or later they will probably be required to become incorporated bodies, so that they may be held legally responsible for their acts.

ISAAC HOURWICH : I do not believe that there is any one in this assembly who is in favor of the use of violence in the settlement of labor disputes ; but since a great deal has been said about acts of violence committed by men supposed to be *affiliated with labor unions*, I think that it will be in order for me to mention a case of violence committed by men supposed to be in sympathy with employers. I wish to bring before you the recent outrage committed in Tampa, where the mayor of the city was kidnaped, put on a vessel, and removed from the city. And why ? Because he favored organized labor. This case in Tampa is not an isolated case. In another case a small committee of vigilants composed of employers of labor kidnaped the leaders of a labor union, put them on a vessel, and finally landed them on an island where they nearly starved until they came across an Indian village. Such acts are prohibited by law. The kidnaping of the mayor was a plain act of revolution, yet I have not heard that anything was done to punish the criminals who performed that act.

The subject of the incorporation of labor unions is a broad one. However, I wish to deny the necessity of incorporating labor unions in order to make them legally liable or responsible. A labor union can be sued in court whether it is incorporated or not. Labor unions have been sued before. I have no time to prove this proposition, but any one who has studied the rudiments of law will know that under the rules of equity practice which have been embodied in the codes of civil procedure there is no necessity of a union's being incorporated before it can be sued. The question of incorporation, therefore, ought to be left entirely to the discretion and judgment of the labor unions.

HUGO BILGRAM: I wish to say but a few words in criticism of the papers read. The first paper contains the assertion that trade unions are based on democratic principles. As a matter of fact, trade unions endeavor to dictate the contract between their members and a party who does not desire to be a member of the union, the employer. Even if he wanted to be a member, he would not be allowed to join. He has, therefore, no vote in the dictations of trade unions. This policy is not democratic but despotic.

The statement has been made that those workmen who do not desire to join unions are men who either do not realize the benefits conferred by unions or are criminals or incompetent men. According to my experience, in my trade the greater portion of the best workmen object to joining trade unions. I merely say this as a rejoinder to statements that have been made on the other side.

STUART WOOD: I wish to correct the erroneous statement of Dr. Hourwich that the mayor of the city of Tampa had been kidnaped and removed. The fact is, it was the mayor of a small, poor village in the vicinity of Tampa who was deported.

JOHN A. HOBSON: I want to make one point with reference to the alleged dictation of labor in trying to compel an employer to employ only union labor. An individual who wants to sell his labor power has, I presume, the right to sell that labor power upon any conditions which he may lay down. The purchaser of that labor power is likewise free to accept or to refuse to purchase that individual's labor power on these conditions. Is that freedom not to be extended to the sale of a lump

of labor, or collective labor power, which through one of its representatives offers to sell itself to an employer? If I am an individual I have the right to say that I will sell my labor power on condition that I am not to work *with obnoxious persons*. *That is precisely the position* of the persons who have combined to sell their labor power in a lump instead of selling it individually. A collective bargain is surely no dictation if it places certain restrictions on its sale. The employer is perfectly free to refuse to buy that collective labor upon these conditions. If he is strong enough he is perfectly at liberty to say, "No; I don't care to buy that lump of labor power on the condition that I am not to employ in these works any non-unionists." If he takes that point of view he will have to employ non-unionists exclusively in his business, and if he is strong enough he may prefer that course. Where does the dictation come in?

DELMER E. HAWKINS: Intelligent men welcome and encourage, rather than oppose, collective bargaining or any other kind of bargaining which places wage labor in a more favorable position for the betterment of its conditions. I maintain, however, that the question of the open shop or the union shop involves a far deeper question than mere "method of bargaining." It involves the question of personal and civil liberty.

There cannot be, it is said, any middle ground between a shop that is wholly union and one that is wholly non-union. All intelligent men who understand the great benefits derived from the union, it is said, are anxious to enter the union; if men outside are so stupid as not to appreciate the benefits of unionism, then they had better be made to join. Organized labor and organized

capital are here to stay. Both are capable of accomplishing vast good, and it is the business of the economist to show that the freedom of labor and the freedom of capital and business ability are the fundamental economic questions involved. The liberty of labor cannot be sacrificed, no matter what the object, purpose, or policy of labor unions; there can be no permanent advance of labor except on the basis of liberty.

I know from personal investigation that actual unionism in Syracuse, one of the most completely unionized cities in the United States, does not correspond with theoretical unionism as set forth in Mr. White's paper and in other addresses. Labor is very often coerced into the union. Employers are terrorized and are forced to become coconspirators with the unions in driving men into the unions or out of employment. I could give hundreds of examples of this tyranny of the union. Many have said to me, "I hate the union, I hate its despotism; but it was union or starvation." Business men in almost every city of this country know thoroughly well how unionism has overstepped its proper limits and invaded the rights of the employer and of the employee.

FRANK O'CONNOR : I want to add a few words to the discussion which has taken place. I want to say that the union shop makes a better article, produces better and cleaner conditions, and preserves the public health. The public servants whom we call factory inspectors do not visit the open shops—mark this, for it is important—do not visit the open shops with such regularity and make such clean breasted reports as they do in the union shops, where there is a moral force back of the report that goes to the public. If you will visit the cigar factory conducted by the cigar trust at

Eleventh and Washington avenues, where that fearful panic took place not long ago in which many children were killed and injured, and will then go to one of the trade union factories that make cigars in Philadelphia, and note the conditions, the moral tone, the standard of living of the two sets of employees in these factories, I will leave you to judge whether coercion or any of the other charges that have been made are going to interfere with the great trade union movement. I want to insist as strongly as I can that if there is to be an agreement between the men who work in a place and the man who is conducting the place, taking into consideration that third great factor, the public, which is to receive the goods made in that place, then there cannot remain a force that does not stand responsible to somebody. If the men choose to combine, choose to ask their employer for certain terms, they are bound by the agreement they make with their employer. But this third force, this non-union force, are responsible to no one; they need sign no agreement; they are not morally bound to keep an agreement that is signed. They are leeches hanging to those who are making sacrifices.

The American stands for a high ideal. He makes many mistakes, but he has reached the top of the ladder because he is broad enough and brave enough to assume responsibility for these mistakes. He says, "I am aiming at something, and if you give me a chance to govern myself I will try to do what is best." The trade union to-day is aiming for precisely the same ideal in the shop that you stand for in social and political life. It is trying to better conditions. The non-union man is an American citizen without an ideal. I have found one or two good mechanics in my own trade who have refused to join the union, but the majority of the non-



union men I have met have been negative men, without enough backbone to assert themselves. One charge against the union is "no card, no work." How do you judge a citizen? If a man comes to our country and does not take enough interest in our affairs to be naturalized, do we allow him to vote? His naturalization papers, however, assert that he is an American citizen, and give him the right to vote. The only way we have of knowing a man in his trade is by his paid-up card. We know that he is one of us, that he is aiming to do the same as we are aiming to do. As you say to the foreigner, "no naturalization papers, no vote," we say to this man, "no card, no work." We cannot help ourselves.

E. DANA DURAND : The abuses of trade unions emphasized by several of the speakers are to some extent due to attempts to counteract abusive practices of employers. For example, the limitation of output has its inception, in many if not in most instances, in unjust policies of employers. Under piece-work, as many employers have admitted, if the strongest and ablest workmen do all they can to earn a high wage, the rate per piece is too commonly cut down till the most competent can make only a living wage and others can not do even that. And under time payment many employers gauge the proper output of all by the speed of the few uncommonly strong and skillful, and "rush" their men accordingly. So with regard to the limitation of apprentices, refusal to work with non-union men, and other policies sometimes pursued by unions; they are often, though of course not always, due to practices of employers which are unfair to work people and to unionists.

We may grant that unions often do unwise and un-

just things, but that is no warrant for the conclusion so often urged that unions should therefore be smashed. Judge unions by their fruits, but by all, not part, of those fruits, and by their future possibilities for good as well as their present mistakes. The scientific and the humane thing to do is first to decide whether the principle of combination among work people is a proper one, whether their own condition and that of the entire community can be benefitted in this way. And if this question is answered in the affirmative, the particular acts and policies of unions may then be discussed as separate issues. Those practices which are proved injurious to society and even to the unions themselves can be vigorously condemned, and we may reasonably hope that the unions will ultimately abandon them. Do not cut off a patient's head to stop his disease.

As to the rights of non-unionists we should take the standpoint of the welfare of all working people and of all the community. Modern thinkers usually lay little stress on the inherent natural rights of the individual. Society makes right that which will accomplish the most good for its members as a body. No man has a right to a particular job if, by taking that job, he is going to injure a much larger number of men. It is easy to speak of giving equal rights to unionist and to non-unionist, easy to speak of the open shop in which the employer does not care whether his men are union men or not. But the union can not accomplish its most important objects unless the employer deals with it as a union. The employer can not be made to enter into a collective bargain—and without the collective bargain the conditions of labor are hardly fixed by bargaining at all—unless the union comprises practically all the men he wishes to employ. The labor organization

finds the accomplishment of its fundamental object dependent on comprehensiveness, and refusal to work with non-unionists naturally seems to it often a necessary means of extending its membership and making itself really effective.

WILLIAM Z. RIPLEY: Without going into the larger question I should like at this particular juncture to call attention to what seems to be the kernel of the question proposed for discussion. I have been a good deal surprised at the positive statements made by the labor men in this discussion that a shop must necessarily be *all* union or all non-union. Now is that true or untrue? My own notion is that it is not absolutely necessary, either theoretically or practically. From the practical point of view I would adduce evidence from the great industry of New England, the cotton mills. I believe that the condition of these people is better than it was before unionism began, and I believe personally that it will be a great thing for labor when there are more unionists than there are now; but from what I know of the unions in these cotton mills, I do not see that it is absolutely essential that every one of the operatives should be in the union, or conversely. I wish we might learn more fully as to whether there are not large shops all over the country which in times of prosperity have 100 per cent of employees in the unions, but which in times of depression have the proportion considerably reduced. If that is true in Chicago, as has been stated, why may it not be true elsewhere, as I know it to be in the cotton mills of Massachusetts?

To pass from the practical to the theoretical aspect of the question, why not draw something from the analogy between trade unionism and the distribution of power

between political parties? Let us suppose, for a moment, the Democratic party standing for free silver to be represented by the employers; let us suppose, further, the workmen to be represented by the Republican party; and let us suppose the non-unionists to be represented in analogy by a political class which is peculiar in New England, the independent voter or mugwump. Does the existence of this last class do anything other than to hold both great political parties up chockablock in the direction of right behavior? Is it not possible that a factory may have four-fifths unionists with one-fifth of its labor outside the union,—that proportion varying from good times to bad,—and that the unions may be more wholesome in their effects by reason of the existence of a certain proportion of independents?

HENRY WHITE: Mr. DuBrul has thrown out this challenge by quoting the maxim, "by their fruits shall they be judged." That challenge we accept, and we are willing to be judged by that standard. What are the fruits of trade unionism? The emancipation of the working people from the domination of the employer, giving them at least some say in the management of the shop, and placing the fair employer in a better position as a competitor with the unfair one. Another achievement is the gradual and steady increase of wages and the shortening of the work day. Those are some of the fruits.

It is also said that the unions put a premium upon incompetency. I am a clothing cutter by trade, and the trade is pretty well organized. We enforce a minimum rate of wages of twenty dollars per week for eight and a half hours' work. The effect of that minimum wage is to eliminate the incompetent, because no em-

ployer will employ a man unless he is worth that money, as he is given a free choice in selecting his workmen. The effect is to make the incompetent find employment in some other occupation more suitable to their abilities.

The man who is forced into the union against his will, the man who is so averse to the union because of its tyrannical methods, that same man willingly accepts the improved conditions that the same union secures for him. If that is tyranny, if that is oppression, then we are guilty of it.

It has been correctly said by one of the speakers that the abuses of the unions are due to the struggle to correct other abuses. If there is any distinction to be made between abuses on moral grounds, I stand for the abuses that are resorted to in order to correct others, because the first made the second necessary. We cannot conceive of any method of benefitting the whole without hurting some. Even such a beneficent measure as the child labor law robs the widow of the support of her children, by forcing them into school; yet the general effect of that law is so to equip the children that they can take better care of themselves all through life.

SAMUEL B. DONNELLY: In order to get at the facts when you investigate, do not take the word of the employer given offhand, and do not take the word of an officer of the union given to you offhand. If you want to find out the exact conditions under which men come into unions, ask the officers to permit you to be present at a meeting of their membership committee, where you can see these men and ask them how they came to want to join the union, because neither employers nor employees are as frank as they might be.

If employers were frank, they would have told you long ago that the reason they want trade unions incorporated is to tie up in a bank by injunction the funds which the union takes out of the treasury to get the non-union men brought in by the employers in time of strike out of town. At the present time there is ample recourse. In the Child's case in Buffalo the property of the individual members of the typographical union was levied on.

As to restrictions we may say that these will occur as long as men have any sympathy in their hearts or any consideration toward their fellow men. They will always hold back when a dull season is in front of them in order that they may not be laid off.